

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IRINA VORONINA, et al.,

Plaintiffs,

-against-

SCORES HOLDING COMPANY, INC.,  
et al,

Defendants.

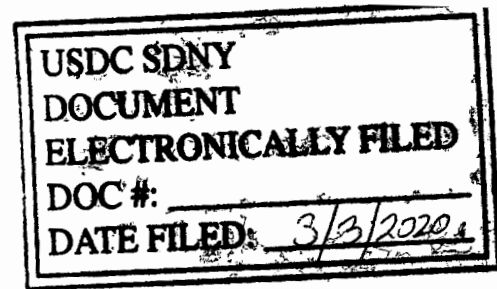
SCORES HOLDING COMPANY, INC.,

Third-Party Plaintiff,

-against-

NORM A PROPERTIES LLC, et al.,

Third-Party Defendants.



16cv02477 (LAK) (DF)

**SCHEDULING ORDER  
FOR A DAMAGES INQUEST**

**DEBRA FREEMAN, United States Magistrate Judge:**

Based on this Court's review of the Docket of this action, this Court understands that, to date, the Honorable Lewis A. Kaplan, U.S.D.J. has entered default judgments in favor of defendant Scores Holding Company, Inc. ("Scores") against *two* third-party defendants – Norm A Properties, LLC ("Norm A") (*see* Dkts. 200, 204) and Fuun House Productions, L.L.C. ("Fuun House") (*see* Dkts. 210, 224) – and has referred these matters to this Court for damages inquests (*see* Dkts. 208, 224, 254). It has, however, come to this Court's attention that, although it issued a Scheduling Order for inquest submissions, that Order only referenced the default of Fuun House, and neglected to reference the default of Norm A. (*See* Dkt. 232.) Accordingly, it now hereby ORDERED as follows, *specifically with respect to the default of Norm A*:

1. No later than April 2, 2020, Scores shall file and serve on Norm A (with a courtesy copy to my Chambers) Proposed Findings of Fact and Conclusions of Law concerning damages (“Proposed Findings”). Scores shall include, with such service, a copy of this Order.

2. Scores’ Proposed Findings should specifically tie the proposed damages figure(s) to the legal claim(s) on which liability has now been established; should demonstrate how Scores has arrived at the proposed damages figure(s); and should be supported by a sworn affidavit, or a declaration under penalty of perjury, that attaches as exhibits and contains an explanation of any documentary evidence that helps establish the proposed damages.

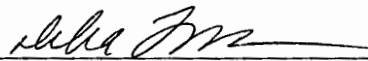
3. Norm A shall submit its response, if any, to Scores’ submission no later than May 4, 2020. As Norm A is a corporate entity, and, as such, may not appear in this Court without an attorney, any response by Norm A must be made through counsel, for that response to be considered by the Court.

4. IF NORM A FAILS TO RESPOND THROUGH COUNSEL TO SCORES’ SUBMISSION BY MAY 4, 2020, THEN THIS COURT WILL PROCEED TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF SCORES’ WRITTEN SUBMISSIONS ALONE. FURTHER, THIS COURT WILL NOT HOLD A HEARING ON DAMAGES, UNLESS NORM A, THROUGH COUNSEL, REQUESTS A HEARING, IN WRITING, BY MAY 4, 2020. *See Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2d Cir. 1991) (Fed. R. Civ. P. 55(b)(2) “allows but does not require . . . a hearing”); *Fustok v. ContiCommodity Servs. Inc.*, 873 F.2d 38, 40 (2d Cir. 1989) (“[I]t [is] not

necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.”).

Dated: New York, New York  
March 3, 2020

SO ORDERED

  
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DEBRA FREEMAN  
United States District Judge

Copies to:

Counsel for Scores (via ECF)

Norm A Properties LLC  
4925 Pelletier Boulevard  
Orchard Lake, MI 48324